

As always, McKinsey is committed to taking any guidance the U.S. Trustee deems appropriate to give.

McKinsey believes that our disclosures in bankruptcy advising fully meet the terms of the U.S. Bankruptcy Code. We have been transparent about the connections we were disclosing and the process utilized to identify those connections. In the ANR bankruptcy, we provided additional information pursuant to the Court's request – a practice that is not unusual given the iterative nature of disclosures. In ANR as in other cases, the Court accepted our supplemental disclosures on a confidential, or in camera, basis as evidence of compliance with the Code. Accordingly, whether the US Trustee agrees that MIO is "essentially a blind trust" or not is irrelevant because McKinsey fully disclosed MIO's connections on the Interested Parties list in ANR and its retention was approved on that basis.

McKinsey informed the ANR Bankruptcy Court in May 2016 that an officer and director of RTS – an individual not involved in the ANR bankruptcy – was on the board of MIO. The Court subsequently required supplemental disclosures identifying MIO holdings. We complied, and the Court found that McKinsey was disinterested and could be retained by the debtor. Evidence shows that disclosures of McKinsey investments that were before the Court were fully consistent with the interested parties list provided to McKinsey.

We have tremendous respect for the U.S. Trustee, and we will continue to fully and frankly cooperate with them, as we have since we entered the bankruptcy advisory business nearly two decades ago. As we have said repeatedly, McKinsey is committed to transparency and vigorous compliance with the law. In more than a dozen notable bankruptcies, we have delivered debtors superior work free of real or perceived conflict.